

ICE on the Move against I-9 Worksite Violations

Immigration and Customs Enforcement (ICE) has been in the news lately as they look for I-9 Verification Forms and any immigration violations employers may be concealing.

Already this past year, one company was fined a whopping \$95 million dollars for abusing the I-9 process, deliberately concealing true identities in order to hire undocumented workers. The Acting Director of ICE, Thomas Homan, vowed earlier this year to double, triple or even quadruple I-9 worksite investigations. He's kept his word.

From October 1, 2017 through May 4, 2018 ICE and its worksite wing, Homeland Security Investigations (HSI), opened 3,510 on-site investigations, initiated 2,282 audits and made 594 criminal and 610 administrative worksite-related arrests. All those stats are up significantly year over year compared to Fiscal Year 2017.

The Employment Eligibility Verification Form I-9 is required by law to be kept for each employee. Problems arise legal-wise when new hires present phony documents or when employers are eager to hire undocumented workers (to save wages) and fudge the document.

That's how Asplundh Tree Experts got socked with that \$95 million dollar fine. Even after being warned that they were fudging their I-9's, the company continued to conceal identities until it was too late.

ICE Targets 5,200 Businesses for I-9 Audits: Posted on July 25, 2018

Since January, United States Citizenship and Immigration Services (USCIS) – along with its Immigration and Customs Enforcement (ICE) and Homeland Security Investigations (HSI) units – have sent out notices of pending I-9 audits to some 5,200 businesses across the nation.

A notice of Inspection (NOI) informs business owners that ICE is going to audit their hiring records to determine whether they are complying with existing law. From July 16 to 20, during the second phase of the operation, agents served 2,738 NOIs and made 32 arrests. In the first phase of the operation, from January 29 to March 30, they served 2,540 NOIs and made 61 arrests.

"This is not a victimless crime," said Derek N. Benner, acting Executive Associate Director for HSI. "Unauthorized workers often use stolen identities of legal U.S. workers, which can significantly impact the identity theft victim's credit, medical records and other aspects of their everyday life."

While the agency routinely conducts worksite investigations to uphold federal law, HSI is currently carrying out its commitment to increase the number of I-9 audits in an effort to create a culture of compliance among employers, according to Benner.

HSI's worksite enforcement strategy focuses on the criminal prosecution of employers who knowingly break the law and the use of the I-9 audits and civil fines to encourage compliance with the law. HSI's worksite enforcement investigators help combat worker exploitation, illegal wages, the use of child labor and other illegal practices.

HSI's worksite enforcement investigations often involve additional criminal activity, such as alien smuggling, human trafficking, money laundering, document fraud, and/or substandard wage and working conditions.

Under federal law, employers are required to verify the identity and employment eligibility of all individuals they hire and to document that information using the Employment Eligibility Verification Form I-9.

ICE uses the I-9 inspection program to promote compliance with the law, part of a comprehensive strategy to address and deter illegal employment. Inspections are one of the most powerful tools the federal government uses to ensure that businesses are complying with U.S. employment laws.

After receiving the NOIs, employers are required to produce their company's I-9's within three business days, after which ICE will conduct an inspection for compliance. If employers are not in compliance with the law, an I-9 inspection of their business will likely result in civil fines and could lay the groundwork for criminal prosecution if they are knowingly violating the law.

All workers encountered during these investigations who are unauthorized to remain in the United States are subject to administrative arrest and removal from the country.

Source: Personnel Concepts Blog